

106TH CONGRESS  
2D SESSION

# H. R. 4165

To assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2000

Mr. CANNON (for himself, Mr. GEORGE MILLER of California, Mr. BILBRAY, Mr. FILNER, Mr. HANSEN, Mrs. NAPOLITANO, Mr. HUNTER, Ms. BERKLEY, Mr. DREIER, Mr. PASTOR, Mr. SHADEGG, Mr. BERMAN, Mr. SALMON, Mr. UDALL of Colorado, Mr. GIBBONS, Mr. UDALL of New Mexico, Mr. KOLBE, Mr. BACA, Mr. STUMP, Ms. PELOSI, Mr. HERGER, Mr. SERRANO, Mr. HAYWORTH, Ms. SCHAKOWSKY, Mr. MCINNIS, Mr. ORTIZ, Mr. HORN, Ms. VELAZQUEZ, Mr. CUNNINGHAM, Mr. BLUMENAUER, Mr. RADANOVICH, Ms. BALDWIN, Mr. COOKSEY, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. SESSIONS, Mr. WEINER, Mr. BECERRA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. REYES, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. UNDERWOOD, Mr. LIPINSKI, Mr. FORBES, Mr. CUMMINGS, Mrs. MEEK of Florida, and Ms. MILLENDER-MCDONALD) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas

uranium milling site near Moab, Utah, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Keep the Colorado  
 5       River Clean Act”.

6       **SEC. 2. TRANSFER OF OIL SHALE RESERVE.**

7       Section 3405 of the Strom Thurmond National De-  
 8       fense Authorization Act for Fiscal Year 1999 (10 U.S.C.  
 9       7420 note) is amended to read as follows:

10      **“SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUM-**  
 11                                   **BERED 2.**

12      “(a) DEFINITIONS.—For purposes of this section:

13               “(1) The term ‘NOSR–2’ means Oil Shale Re-  
 14       serve Numbered 2, as identified on a map on file in  
 15       the Office of the Secretary of the Interior.

16               “(2) The term ‘Tribe’ means the Ute Indian  
 17       Tribe of the Uintah and Ouray Indian Reservation.

18      “(b) CONVEYANCE.—The United States hereby con-  
 19       veys to the Tribe, subject to valid existing rights in effect  
 20       on the day before the enactment of this section, all Federal  
 21       lands within the exterior boundaries of NOSR–2 in fee  
 22       simple, both surface and mineral rights, without retaining  
 23       any management authority over the conveyed lands or

1 tribal activities thereon, but reserving to the United States  
2 each of the following:

3 “(1) A 9 percent royalty interest in the value  
4 of any oil, gas, other hydrocarbons, and all other  
5 minerals produced, saved, and sold, from the con-  
6 veyed lands, the payments to be made by the Tribe  
7 or its designee to the Secretary of Energy when pro-  
8 duced, saved, or sold during the period minerals are  
9 being extracted.

10 “(2) That portion of the bed of Green River  
11 contained entirely within NOSR-2 as depicted on  
12 the map entitled ‘Boundary Map, .....’, num-  
13 bered , and dated . The map shall be on  
14 file and available for public inspection in the offices  
15 of the Department of the Interior.

16 “(3) The lands, including surface and mineral  
17 rights, to the west of the Green River within NOSR-  
18 2, as depicted on the map referred to in paragraph  
19 (2).

20 “(4) A  $\frac{1}{4}$  mile scenic easement on the east side  
21 of the Green River within NOSR-2. Such easement  
22 shall not affect the right of the Tribe to obtain, use,  
23 and maintain access to, the river through the use of  
24 the existing road within the easement (as depicted  
25 on the map referred to in paragraph (2)).

1 The lands conveyed to the Tribe under this subsection  
2 shall not revert to the United States for management in  
3 trust status.

4 “(c) WITHDRAWALS.—All existing withdrawals on  
5 NOSR–2 are hereby revoked.

6 “(d) ADMINISTRATION OF RESERVED LANDS, INTER-  
7 ESTS IN LANDS.—The Secretary of the Interior shall ad-  
8 minister the lands and interests in lands reserved from  
9 conveyance in subsection (b)(2) and (3) of this section  
10 under the Federal Land Policy and Management Act and  
11 shall prepare and submit to Congress a land use plan for  
12 the management of these lands and interests in lands  
13 within three years after the enactment of this subsection.  
14 There is authorized to the Secretary of the Interior such  
15 sums as may be necessary to carry out this subsection.

16 “(e) ROYALTY.—

17 “(1) PAYMENT OF ROYALTY.—The Tribe shall  
18 pay the royalty interest reserved from conveyance in  
19 subsection (b)(1) of this section free of all develop-  
20 ment, production, marketing, and operating ex-  
21 penses. The United States shall bear and pay gross  
22 production taxes, pipeline taxes, and allocation taxes  
23 assessed against the gross production.

24 “(2) REPORTS.—The Tribe shall report annu-  
25 ally to the Secretary of Energy and to Congress on

1 its resource development and other activities con-  
2 cerning the property transferred.

3 “(3) FINANCIAL AUDIT.—The Tribe shall sub-  
4 mit every 5 years to a financial audit, conducted in  
5 accordance with generally accepted accounting prac-  
6 tices, of its resource development activities con-  
7 cerning the property transferred, with the first audit  
8 taking place 5 years after the date of transfer and  
9 the results of each audit being included in the next  
10 annual report after completion of the audit.

11 “(f) RIVER MANAGEMENT.—The Tribe shall manage,  
12 fully under Tribal jurisdiction and pursuant to ordinances  
13 adopted by the Tribe, its lands adjacent to, and within  
14 ¼ mile of, the Green River in a protected status and in  
15 a manner consistent with the provisions contained in a  
16 government-to-government agreement and in the memo-  
17 randum of understanding entitled memorandum of under-  
18 standing dated February 11, 2000, as agreed to by the  
19 Tribe and the Secretary of the Interior. Such ordinances  
20 adopted by the Tribe shall not impair, limit, or otherwise  
21 restrict the management and use of other lands adjacent  
22 to the Green River that are not under or subject to the  
23 Tribe’s jurisdiction or control. The ordinances adopted by  
24 the Tribe and referenced in the government-to-government  
25 agreement may not be repealed or amended without the

1 written approval of both the Tribe and the Secretary of  
2 the Interior.

3 “(g) PLANT SPECIES.—The Tribe shall protect, pur-  
4 suant to ordinances adopted by the Tribe, any plant spe-  
5 cies listed by the Federal Government as endangered or  
6 threatened that is located on or found on the NOSR-2  
7 lands conveyed to the Tribe in a manner consistent with  
8 the then current levels of legal protection, and this protec-  
9 tion shall be performed fully under tribal jurisdiction and  
10 in accordance with a government-to-government agree-  
11 ment between the Tribe and the Secretary of the Interior.

12 “(h) HORSES.—The Tribe shall manage the horses  
13 not owned by the Tribe or tribal members that are located  
14 or found on the NOSR-2 lands conveyed to the Tribe in  
15 a manner consistent with then current Federal protections  
16 granted such animals: *Provided*, That the management,  
17 control, and protection of such horses will be performed  
18 fully under tribal jurisdiction and in accordance with a  
19 government-to-government agreement between the Tribe  
20 and the Secretary of the Interior.

21 “(i) REMEDIAL ACTION AT SITE NEAR MOAB.—(1)  
22 Within one year after the enactment of this subsection,  
23 the Secretary of Energy shall prepare a plan to commence,  
24 within one year following preparation of the plan, remedial  
25 action, including groundwater restoration, at the uranium

1 milling site near Moab, Utah, in accordance with section  
2 102(a)(4) of the Uranium Mill Tailings Radiation Control  
3 Act of 1978 (42 U.S.C. 7912(a)), as amended by section  
4 3 of this Act. The Secretary shall limit the amounts ex-  
5 pended in carrying out this remedial action to amounts  
6 specifically appropriated for the remedial action in an ap-  
7 propriations Act and other amounts available for that pur-  
8 pose under this subsection.

9 “(2) The Secretary of Energy shall retain the  
10 amounts received as royalties under subsection (e)(1) of  
11 3405 of the Strom Thurmond National Defense Author-  
12 ization Act for Fiscal Year 1999 (10 U.S.C. 7420 note),  
13 and such amounts shall be available, without further ap-  
14 propriation to carry out the remedial action referred to  
15 in paragraph (1). Upon completion of such remedial ac-  
16 tion, all such royalty amounts shall be deposited in the  
17 General Fund of the Treasury. There are authorized to  
18 be appropriated to the Secretary of Energy to carry out  
19 the remedial action referred to in paragraph (1) such addi-  
20 tional sums as may be necessary.

21 “(3) If the uranium milling site referred to in para-  
22 graph (1) is sold after the Secretary of Energy’s remedial  
23 action referred to in paragraph (1) is completed, the seller  
24 shall transfer to the Secretary of Energy, for deposit into  
25 the miscellaneous receipts account of the Treasury, the

1 portion of the sale price that the Secretary determines re-  
2 sults from the enhancement of the value of the site attrib-  
3 utable to the remedial action. The Secretary's determina-  
4 tion shall be based upon appraisals conducted at the com-  
5 pletion of the remedial action. The property shall be ap-  
6 praised at its fair market value as of the date of enactment  
7 of this action, based on available information, and its fair  
8 market value at the completion of the remedial action. The  
9 difference between such appraisals shall be the enhance-  
10 ment of the value of the site resulting attributable to the  
11 remedial action.”.

12 **SEC. 3. URANIUM MILL TAILINGS.**

13 Section 102(a) of the Uranium Mill Tailings Radi-  
14 ation Control Act of 1978 (42 U.S.C. 7912(a)) is amended  
15 by inserting the following new paragraph after paragraph  
16 (3):

17 “(4) Notwithstanding any other provision of law, the  
18 Moab uranium milling site (hereafter referred to as the  
19 ‘Moab Site’) located approximately 3 miles northwest of  
20 Moab, Utah, and identified in the Final Environmental  
21 Impact Statement issued by the Nuclear Regulatory Com-  
22 mission in March 1996, in conjunction with Source Mate-  
23 rial License No. SUA 917, is designated as a processing  
24 site. This title applies to the Moab Site in the same man-

1 ner and to the same extent as to other processing sites  
2 designated under this subsection, except that—

3 “(A) sections 103, 107(a), 112(a), and 115(a)  
4 of this title shall not apply;

5 “(B) a reference in this title to the date of the  
6 enactment of this Act shall be treated as a reference  
7 to the date of enactment of this paragraph; and

8 “(C) the Secretary, subject to appropriations  
9 and without regard to section 104(b) of this title,  
10 shall conduct remediation, including groundwater  
11 restoration and removal of residual radioactive mate-  
12 rial and other contaminated material from the Moab  
13 Site and from the floodplain of the Colorado River  
14 for permanent disposition and stabilization of resid-  
15 ual radioactive material in a safe and environ-  
16 mentally sound manner at a site in the State of  
17 Utah.”.

18 **SEC. 4. CONFORMING AMENDMENT.**

19 Section 3406 of the Strom Thurmond National De-  
20 fense Authorization Act for Fiscal Year 1999 (10 U.S.C.  
21 7420 note) is amended by inserting after subsection (e)  
22 the following new subsection:

1       “(f) OIL SHALE RESERVE NO. 2.—This section does  
2 not apply to the transfer of Oil Shale Reserve Numbered  
3 2 under section 3405.”.

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